

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 23 JAN 2006

WIPO

PCT

Applicant's or agent's file reference 2003CH017	FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/IB2004/004288	International filing date (day/month/year) 23.12.2004	Priority date (day/month/year) 29.12.2003
International Patent Classification (IPC) or national classification and IPC D06P5/08, D06P5/06, C08G73/02, C08G65/24, C08G65/333		
Applicant CLARIANT INTERNATIONAL LTD		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 18.07.2005	Date of completion of this report 24.01.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Blas, V Telephone No. +31 70 340- 	

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2004/004288

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-32 as originally filed

Claims, Numbers

1-17 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2004/004288

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-17
	No: Claims	
Inventive step (IS)	Yes: Claims	1-17
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement under rule 66.2(a)(ii) PCT with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The following documents are mentioned for the first time in this written opinion; the numbering will be adhered to in the rest of the procedure.

D1 : US 3 639 296 A (FROTSCHER HERBERT ET AL) 1 February 1972 (1972-02-01)

D2 : GB 1 431 476 A (BASF AG) 7 April 1976 (1976-04-07)

D3 : US 5 371 119 A (BOHLANDER RALF ET AL) 6 December 1994 (1994-12-06)

D4 : US 4 737 576 A (BACHEM HENNING ET AL) 12 April 1988 (1988-04-12)

Novelty:

Document D1 discloses same kind of polymeric etheramines applied on textile materials to impart them durable antistatic properties.

The subject-matter of independent claim 1 differs from this known D1 in that the finishes are not applied on dyed textile materials, excepted in example IV, where textile have been dyed with disperse dyes which are not water soluble dyes.

The subject-matter of independent claim 1 is therefore new (Article 33(2) PCT).

The same reasoning applies, mutatis mutandis, to the subject-matter of independent claim 8, which therefore is also considered to meet the requirements of the PCT with respect to novelty and inventive step.

The subject-matter of independent claim 16 differs from this known D1 in that there is no other cationic dye fixative agent present in the composition.

Therefore, the subject-matter of independent claim 16 is new (Article 33(2) PCT).

The same reasoning applies, mutatis mutandis, to the subject-matter of independent claim 17, which therefore is also considered to meet the requirements of the PCT with respect to novelty and inventive step.

The same reasoning applies similarly to D2 and D3. The polymeric etheramines are not applied as aftertreatment to textile materials dyed with water soluble-dyes.

Inventive Step:

D4 discloses etheramines for treating textile materials dyed with water-soluble dyes to improve their wet fastness like perspiration and wash fastness.

The subject-matter of independent claims 1, 8, 16 and 17 differs in the way of preparing the polymeric etheramines.

The problem to be solved by the present invention may be regarded as providing an aftertreatment for textile materials dyed with water-soluble dyes which improves chlorine fastness.

The solution to this problem is to use polymeric etheramines obtained by condensing an oligohydroxy compound with epichlorohydrin and then with an amino compound.

There are no hints in the prior art which would have lead the skilled person to use these kind of etheramines as aftertreatment of textile materials dyed with water-soluble dyes to improve their chlorine fastness, therefore the proposed solution is not obvious and the subject-matter of independent claims 1, 8, 16 and 17 involves an inventive step.

Claims 2-7 and 9-15 are dependent claims and as such also meets the requirements of the PCT with respect to novelty and inventive step.

Industrial Applicability:

The subject-matter of claims 1-17 is considered to meet the requirements of Article 33(4)PCT.

Re Item VII

Certain defects in the international application

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/IB2004/004288

1) The document D1 has not been identified in the description and the relevant background art disclosed therein has not been briefly summarised in an objective way. Hence, the requirements of Rule 5.1(a)(ii)PCT are not fulfilled.

2) The independent claims have not been cast in a two part form, with those features which in combination are part of the prior art (see document D1) being placed in the preamble. Hence, the requirements of Rule 6.3(b)PCT are not met.

Re Item VIII

Certain observations on the international application

The present application does not meet the requirements of Article 6 PCT, in that the matter for which protection is sought is not correctly defined: it is not clear to which category belong claims 10-15, either to the category of "process" claims, or to the category of "use" claims.